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SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. KIWANUKA (Uganda)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 10.05 a.m.

REQUESTS FOR HEARINGS

1. The CHAIRMAN informed the Committee that he had received a request, contained in document A/C.4/55/4, for a hearing on the question of New Caledonia. He took it that the Committee wished to grant that request.

2. It was so decided.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (TERRITORIES NOT COVERED UNDER OTHER AGENDA ITEMS) (continued) (A/55/23 (Part II), chapters VI, IX-XI, A/55/23 (Part III), chapter XIII (D-F, H), A/55/303, A/55/384-S/2000/870; A/AC.109/2000/2-10, A/AC.109/2000/13-18; A/C.4/55/L.3)

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AGENDA ITEM 91: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued) (A/55/81 and Add.1)

3. Mr. OSEI (Ghana) said that the start of the new millennium offered the international community the opportunity to renew the hopes and aspirations of the peoples of the Non-Self-Governing Territories. His delegation accordingly endorsed the proposal by the Special Committee to launch a Second International Decade for the Eradication of Colonialism as well as the plan of action, as contained in the annex to the report of the Secretary-General dated 13 December 1991, which was to serve as the plan of action for the Second Decade.

4. Progress in the decolonization process would depend on the full cooperation of the administering Powers with the Special Committee in developing a constructive programme of work. His delegation commended New Zealand on its continuing policy of formal and informal cooperation with the Special Committee and its ongoing efforts to prepare the people of Tokelau to achieve self-determination. The unresolved question of Western Sahara remained an issue of concern, however. Ghana recognized the just rights of the Saharan people to self-determination and independence and the settlement plan that had been accepted by the two parties to the conflict.

5. There could be no progress without the resolution of the multiple problems impeding the implementation of the settlement plan. Hence his delegation's disappointment that the London meetings mediated by James Baker III, the Personal Envoy of the Secretary-General, had so far not been fruitful. Ghana renewed its appeal to both sides to show the necessary flexibility and spirit of compromise in order to avoid a complete breakdown of the process and agreed with the Secretary-General that the two parties should come up with specific solutions, ones that both could accept, to the problems relating to the implementation of the settlement plan, in order to help move the process forward.

6. Mr. AHMAD (Pakistan) said that over the past 56 years there had been significant progress in the decolonization process, as demonstrated by the growth in membership of the United Nations from 51 to 189. Yet the international community still had a long way to go to eradicate colonialism in all its forms and manifestations. In order to achieve the goals laid down in Article 73 of the Charter of the United Nations, the principles enshrined in the Declaration on the Granting of Independence to Colonial Countries and Peoples, which remained relevant today, must be upheld.

7. In recent years progress had been made in a number of Territories, including New Caledonia, Tokelau, Western Sahara and East Timor. An important element had been the growing realization among the administering Powers that freedom could not be denied indefinitely to peoples. Some administering Powers continued to claim that the peoples of their Territories had accepted the existing arrangements and did not want to sever ties with them. Such claims could not be accepted by the international community without independent verification under United Nations auspices.

8. The administering Powers must take the following measures as a first step to expedite the process of decolonization: develop, in cooperation with the Special Committee, a constructive programme of work on a case-by-case basis for the remaining Non-Self-Governing Territories; foster awareness of the right to self-determination in the Non-Self-Governing Territories; provide information as required under Article 73 e of the Charter; abandon all military activities in the Non-Self-Governing Territories; strengthen economic conditions in the Territories by diversifying their economies and allowing greater popular participation; and cooperate fully with the United Nations by receiving visiting missions in the Territories for the purpose of collecting information on the prevailing conditions.

9. Despite the efforts of the United Nations and the determination shown by Member States, the right to self-determination continued to be denied in many parts of the world. Such was the case, for example, in Jammu and Kashmir, where for over half a century more than 10 million people had been suffering misery and repression under the illegal Indian occupation. The question was, if the people of East Timor could be permitted to exercise the right of self-determination, why not allow the people of Jammu and Kashmir to do the same? Over the past decades, India had used brutal force to suppress the struggle of the Kashmiri people for the right to self-determination. Kashmir remained subjugated by the presence of over 700,000 Indian troops. More than 70,000 Kashmiris had been killed. Deaths in custody, arbitrary arrests, summary

executions and disappearances had become routine occurrences. Women and girls were being raped as a strategy of war and entire villages had been burnt to the ground. Those massive and systematic violations of human rights and international humanitarian law were designed to break the will of the Kashmiri people, but the savage brutalities had only hardened its resolve. Pakistan was firmly convinced that the process of decolonization would remain incomplete until the inalienable right of peoples to self-determination was recognized and applied in all territories under colonial rule or foreign occupation.

10. Mr. ABOULGHEIT (Egypt) recalled that at the Millennium Summit, the heads of all nations had reaffirmed their commitment to fulfilling the right of peoples to self-determination. Egypt accordingly called on the administering Powers to cooperate fully with the Special Committee so that specific measures could be taken to meet the aspirations of the colonial countries and peoples and put an end to colonialism once and for all. The administering Powers must further in every way the work of visiting missions in the Territories under their administration. They must continue to provide information in accordance with Article 73 e of the Charter. In their relations with the Non-Self-Governing Territories, the administering Powers should respect legitimate rights and sovereignty over natural resources and should refrain from carrying out any military activities that affected the interests of the peoples of those Territories.

11. Egypt supported the efforts of the United Nations to assist the people of East Timor in achieving independence and wished to underscore the fact that for the progress made in that direction, the international community was greatly indebted to the former President of Indonesia, who had made the courageous decision to hold a referendum. Taking into account the interests of Indonesia, the United Nations must work to strengthen the relationship between East Timor, Indonesia and the Organization.

12. Concerning the efforts to resolve the question of Western Sahara, Egypt had noted that some progress had been made towards the holding of a referendum and hoped that cooperation between both parties and the United Nations would continue with a view to implementing the settlement plan and the package of measures that had been proposed by the Secretary-General in October 1998 and accepted by both parties.

13. Mr. DONIGI (Papua New Guinea) drew attention to a report on a visiting mission to New Caledonia. Pointing out that the visiting mission's stay in New Caledonia had coincided with a visiting mission by the members of the South Pacific Forum, he said that the mission's success had been greatly facilitated by the constructive participation in its work of all the parties to the Nouméa Accord. In conclusion, he said that the work of the visiting mission had been reflected in the Special Committee's resolution on the question of New Caledonia.

Hearing of representatives of Non-Self-Governing Territories and of petitioners

Question of Gibraltar

14. At the invitation of the Chairman, Mr. Caruana, Chief Minister of Gibraltar, took a place at the table.

15. Mr. CARUANA (Chief Minister of Gibraltar) said that in addressing the General Assembly, the Minister for Foreign Affairs of Spain had deplored Gibraltar's continuing colonial status and suggested that the United Nations should finish the task of decolonization and eliminate the last vestiges of colonialism. One could only agree with that viewpoint, but the people of Gibraltar disagreed about the methods envisaged for achieving that goal. The people of Gibraltar enjoyed the inalienable right to self-determination as a colonial people, but Spain asserted that they were not a colonized people but rather the descendants of the colonizing people, as Spain's representative to the Fourth Committee had put it at the 54th session of the General Assembly. Residents of Gibraltar were in reality the descendants of peoples from many parts of Europe who had settled in the colony after 1704. The peoples who, throughout much of South America, had exercised rights equivalent to the modern right to self-determination were in fact the descendants of the colonizing people, namely Spain. There was no alternative to the principle of self-determination: that had been acknowledged by the members of the Special Committee and the Fourth Committee. Spain nevertheless asserted that Gibraltar should be decolonized on the basis of a so-called principle of "territorial integrity". No such principle with regard to decolonization was recognized under international law, as demonstrated by the advisory opinion in the case on Western Sahara of the International Court of Justice (ICJ), in which it had indicated that the freely expressed will of the people was the very sine qua non of decolonization.

16. Spain, on the other hand, asserted that there was a special United Nations doctrine on colonies that were what it called "territorial enclaves". The people of Gibraltar considered that there was no such doctrine in the United Nations or in international law. The sole principle of decolonization applicable to any colonial Territory was self-determination. Spain asserted that the application of the principle of self-determination to the decolonization of Gibraltar and its people would be a breach of its territorial integrity and national unity and thus incompatible with the purposes and principles of the Charter. Residents of Gibraltar considered that such an assertion had no application to the decolonization of Gibraltar, because if Spain's territorial integrity had indeed been breached, that had occurred 296 years ago and was not the result of the exercise of the right to self-determination by the people of Gibraltar. The principle of territorial integrity applied solely in cases when the secession of territories from a State could not be justified by the principle of self-determination. That was not the case of Gibraltar or of any other colony.

17. Spain asserted that a provision in the Treaty of Utrecht of 1713 denied the people of Gibraltar the right to self-determination. Even Gibraltar's administering Power, the United Kingdom, having once claimed that the Treaty did

not affect the right to self-determination, now stated that although Gibraltar had that right, it was curtailed by the Treaty of Utrecht. The people of Gibraltar considered that no matter how the Treaty was interpreted, nothing could displace the right to self-determination, since it was enshrined in the Charter of the United Nations, which took precedence in accordance with international legal principles. In the light of those contradictions, the Fourth Committee should call for the International Court of Justice to determine whether the principle of self-determination of the people of Gibraltar was applicable to the decolonization of Gibraltar; if it was, whether that right was curtailed or affected by the 1713 Treaty of Utrecht in any way; and if so, in what way. Gibraltar's Parliament had unanimously adopted a resolution to that effect. Recalling Spain's assertion that even though Gibraltar was a colony of the United Kingdom, the people of Gibraltar, as descendants of the colonizing people, was not a colonial people and accordingly could not enjoy the right to self-determination, he pointed out that no one who visited Gibraltar could think that its residents were not a distinct people. Their origins were a mixture of Mediterranean and British stock, an ethnic cocktail that mirrored the historical and modern composition of many States members of the United Nations and was complemented by a diversity of cultural influences. The residents of the Territory formed a distinct and unique people that could most accurately be described as "Gibraltarians".

18. Gibraltar enjoyed a large measure of self-government through its own elected Government and the Parliament in which its laws were adopted. It had its own public administration, police and judiciary and was operating a successful, diverse and modern economy. Spain gave a much less complimentary description of Gibraltar's economy, a description which was, no doubt, politically motivated. The Fourth Committee must take neither Spain's nor Gibraltar's word about the situation: it was simply necessary to visit the Territory, assess on the spot the economic, political, social and cultural realities and determine whether the inhabitants were a distinct people with the right to decolonization through the exercise of self-determination.

19. Gibraltar was not afraid of a dialogue with Spain and sought to develop good relations with it, but a dialogue about Gibraltar must be structured in such a way as to give the people of the Territory a voice, in the form of elected leaders and Government. That was why the decision put forward by the Fourth Committee year after year, which called for bilateral dialogue between the administering Power, the United Kingdom, and a third-party territorial claimant, Spain, was unhelpful. Spain proceeded from the thesis that it was a case, not of decolonization, but of a bilateral sovereignty dispute in which the people of Gibraltar had no voice. In fact, no progress had been made in bilateral talks on the issue since they had commenced in 1984. He therefore renewed his appeal to the Fourth Committee to introduce into its annual decision a call for constructive dialogue in which representatives of the people of Gibraltar would participate.

20. Referring to the Special Committee's intention to formulate an updated plan of action for the eradication of colonialism by developing a constructive programme of work on a case-by-case basis for all the Non-Self-Governing Territories by the end of 2000, he recalled that he had urged the Special Committee, when developing the programme for Gibraltar, to include in it four

points: dispatch of a visiting mission to Gibraltar; proclamation by the Special Committee of its recognition of the inalienable right of the people of Gibraltar to self-determination; referral of the issue, in the event the Special Committee had any doubts, to the International Court of Justice; and a call by the United Nations for dialogue with proper representation for the people of Gibraltar.

21. Mr. Caruana withdrew.

22. At the invitation of the Chairman, Mr. Bossano (Leader of the Opposition, Parliament of Gibraltar) took a place at the petitioners' table.

23. Mr. BOSSANO (Leader of the Opposition, Parliament of Gibraltar) said it had been his practice in addressing the Fourth Committee over the years to concentrate on exposing the shortcomings of the colonial power rather than on criticizing the claimant State, Spain. That in no way signified any desire to see his country annexed by Spain, but simply that from his point of view, the sole responsibility for Gibraltar's decolonization and full recognition of its right to self-determination rested with the colonial Power. That was its duty under the Charter, but it was failing to discharge its international obligations.

24. Mr. Pique had stated that 300 years after Gibraltar's population had been expelled and the Rock occupied by British troops, Gibraltar was a painful anachronism on Spanish territory. If one were to follow that logic, Gibraltarians must trace their roots back 300 years to the four corners of the globe and return to those places to evict their occupants. If the principle was applied universally, it would lead to the greatest threat ever to world peace and to conflicts in every country. It was by using that esoteric interpretation of history that Spain had concluded that Gibraltarians did not have the right to self-determination. The Secretary-General had said that some 2 million people in the 17 remaining Non-Self-Governing Territories continued to strive to determine their own future. Gibraltar was one of those 17 Territories and the 20,000 Gibraltarians were among the 2 million striving to exercise self-determination. The Secretary-General had also said that the Universal Declaration of Human Rights formed the basis of the role of the United Nations in upholding the principle of self-determination. Mr. Pique had recently told the United Nations that the universal application of human rights was one of the greatest achievements of the United Nations and that universal real enjoyment of human rights must be achieved in the coming century. For that to happen, Spain had to recognize the human right to self-determination of the Gibraltarian people.

25. According to Spain, the General Assembly's consensus decision welcoming the start of the Brussels process was a denial of the right of Gibraltarians to self-determination. It was grounded in General Assembly resolution 2353 (XXII), a resolution that was unworthy of the United Nations and a disgrace to the Fourth Committee itself. Notwithstanding the statements made by Lord Carradon in 1967, the United Kingdom had never once contradicted the Spanish assertion about the basis of the consensus decision before the Fourth Committee.

26. In December 1997, Spain had submitted proposals for Gibraltar's decolonization that had been unanimously rejected in Gibraltar and which Gibraltar's Parliament had asked the United Kingdom to reject. The United Kingdom had so far failed to reply to Spain. As a result, no further meetings had been held in the Brussels process since the proposals had been submitted. Spain had made it clear that there could be no constitutional change for Gibraltar that allowed it to move in a direction contrary to the dynamics of the Brussels process. In 1997, Spain had recorded its appreciation of the assurances it had received from the United Kingdom that Gibraltar's status could not be modified without taking into account the interests of Spain. The United Kingdom had not refuted that statement then or since.

27. The position of the Government of Gibraltar was that Spain had no say in Gibraltar's decolonization, which was a matter to be resolved by the colonial people and the administering Power. The Opposition in the Parliament of Gibraltar agreed with that view. A consensus constitution was currently being elaborated for submission to the administering Power. The new constitution, when accepted by the people of Gibraltar in a referendum, would amount to the exercise of its right to self-determination, be an act of decolonization and permit Gibraltar to be removed from the list of Non-Self-Governing Territories. It would bring to an end the consideration by the Fourth Committee and the Special Committee of the question of Gibraltar as well as of the Brussels process.

28. The United Kingdom said that all its colonies except Gibraltar were entitled to exercise all the options for decolonization, because in the case of Gibraltar, the right to self-determination was constrained by the United Kingdom's obligations under the Treaty of Utrecht. That seemed to be the height of duplicity, since it was tantamount to the perpetuation of colonial rule over Gibraltar. History had familiarized members of the Fourth Committee with the machinations of colonial Powers in the interests of retaining their rule over their colonies, but the Committee must not lend its support to the United Kingdom by remaining silent during the yearly farce of adoption of a consensus decision on Gibraltar. The Parliament of Gibraltar, for its part, had asked the United Kingdom to seek an advisory opinion on the supposed conflict between the Treaty of Utrecht and the right to self-determination in order to clear up the issue once and for all. To date, the United Kingdom had refused to take the necessary steps.

29. Neither Spain's veiled threats, the United Kingdom's neglect of its obligations under the Charter nor the Fourth Committee's indifference would deter the people of Gibraltar from its aim to ensure recognition of its human rights or deflect it from its chosen path. Every year, Gibraltar celebrated its national day on 10 September, the date of the referendum of 1967 in which a mere 44 Gibraltarians had opted to join Spain. It was that referendum, rejected by the General Assembly in December 1967 in its resolution 2353 (XXII), which served as the basis for the consensus decision now adopted annually and for the Spanish doctrine of territorial integrity. The celebration of the national day was a symbolic expression of the fact that the people of Gibraltar was truly a colonial people with the corresponding rights. Gibraltar belonged to Gibraltarians and to no one else. The people of Gibraltar had declared as much in 1964, said the same today and would keep on saying it until the international

community recognized and accepted it. It therefore urged the Fourth Committee not to adopt the consensus decision, which would not hasten the eradication of colonialism but was merely a concession to two Member States that put their national interests above the rights of a colonial people. Gibraltar's future could be decided only by Gibraltarians, not by the United Kingdom or Spain. Until that was accepted, the stalemate would continue.

30. Mr. Bossano withdrew.

Question of Guam

31. At the invitation of the Chairman, Mr. Rivera (representative of the Governor of Guam) took a place at the petitioners' table.

32. Mr. RIVERA (Guam) reported that in the past year, the Chairman of the Special Committee, Mr. Peter Donigi, had visited Guam and met with a broad cross-section of its leaders and representatives of non-governmental organizations. Commending in that connection the Special Committee's initiatives designed to promote the process of decolonization among those Territories that remained on the list, he said that the active participation of the administering Powers in the Special Committee's work was essential, since it was only through meaningful discourse among all the parties that self-government could be achieved in the remaining Territories.

33. Guam was one of the Territories in which the decolonization process posed the greatest difficulties, such as lack of progress on Guam's political status and changes in the application of United States legislation to Guam. The United Nations might consider seeking guidance from the International Court of Justice to clarify the rights and responsibilities of all parties in accordance with the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States, and in particular, the duty of Member States to bring an end to colonialism, having due regard to the freely expressed will of the people concerned.

34. Guam was a colony and all the actions of its Government were subject to the laws of the administering Power. It essentially belonged to the United States of America, which had the right to dispose of its land, reshape its demography and appropriate its earnings by exploiting the citizens of the Territory. Its patrimony, traditions and culture were being degraded through forced assimilation. The health care and educational systems were poorly developed. Activists who, in non-violent protests, had sought the return of the land to the original inhabitants were given prison sentences by the courts of the administering Power. The situation was one of colonial subjugation and domination at the expense of the interests of the people of Guam, and thus constituted a violation of fundamental human rights and of the Charter.

35. The people of Guam had a strong resolve to move forward with the process of self-determination and decolonization of the Territory, but what was needed for its successful conclusion was the engagement of the administering Power. The Special Committee was providing support for the self-determination of the people of Guam, which for its part was ready to take all the necessary steps and cooperate with all parties to achieve the self-determination of Guam.

36. Mr. Rivera withdrew.

Question of the United States Virgin Islands

37. At the invitation of the Chairman, Mr. Corbin (Government of the United States Virgin Islands) took a place at the table.

38. Mr. CORBIN (Government of the United States Virgin Islands) said the agenda item under consideration was of special importance for the Non-Self-Governing Territories, since it provided legislative authority for assistance from the United Nations and served as the basis for direct participation of the Territories, as members or observers, in the work of various United Nations bodies. Although both the General Assembly and the Economic and Social Council (ECOSOC) had been considering the item for many years, much remained to be done. Many specialized agencies had made the necessary adjustments to their membership criteria, but the number of Territories permitted to participate directly in the programmes of those and other bodies remained insufficient. In order to provide more effective assistance in the economic and social development of the Territories, the name of the agenda item should be modified or a second item on assistance to the small Territories should be introduced. Such assistance must be viewed as critical to the preparation of those countries for full and absolute political equality and participation in the rapidly accelerating process of economic globalization.

39. One of the most successful examples of such participation was the extension to the small island Non-Self-Governing Territories of associate membership in regional economic commissions. Seven Caribbean Territories enjoyed that status with the Economic Commission for Latin America and the Caribbean (ECLAC), which enabled them to participate in various world conferences of the United Nations. The United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA) provided financial and other assistance to facilitate the participation of many of the Territories in such conferences. Recent decisions of the General Assembly and ECOSOC likewise promoted more active involvement of the Territories in the work of the United Nations, as did the ECLAC resolution designed to include associate members of regional commissions in the work of ECOSOC. In conclusion, he called on the agencies concerned to become more actively involved in promoting participation and thereby to assist the Non-Self-Governing Territories in the sustainable development process, a critical component of successful self-determination.

40. Mr. Corbin withdrew.

Question of Western Sahara

41. At the invitation of the Chairman, Ms. Villemont (Association des Amis de la République Arabe Sahraouie Démocratique) took a place at the petitioners' table.

42. Ms. VILLEMONT (Association des Amis de la République Arabe Sahraouie Démocratique) said her Association provided assistance in the just and legitimate struggle for liberation of the Saharan people and of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO). It

participated actively in the solidarity movement in France on which, owing to insufficient media attention, little was known. The Association, formed on 27 February 1976, brought together journalists, politicians, activists in the anti-colonialist struggle, human rights defenders and other leading public figures. One of the driving forces behind the establishment of the Association had been France's military and diplomatic involvement at the start of the conflict alongside the two main protagonists, Morocco and Mauritania, which had made it necessary to denounce the French Government's neo-colonialist aims. The Association also sought to inform the French about the rights of the Saharan people to self-determination and independence.

43. As the initial interest of the media and public opinion in the desert war in which France was participating for no apparent reason gradually dwindled, the French rapidly forgot almost entirely about the Frente POLISARIO and the Saharan people. At the same time, relations with Morocco were becoming closer and friendlier, both in intergovernmental relations and in public opinion, which was shaped by the media. That state of affairs, which was furthered actively by a Moroccan diplomacy that spared no efforts to create useful, cordial relations with France, changed radically in 1990 with the publication of a book entitled "Our Friend, the King" and an expression of sympathy for the cause of the Saharan people from Danièle Mitterand, wife of the then-President of France. Today, France's official support for Moroccan policy in Western Sahara was more discrete, but it still existed. One of the reasons for France's refusal to envisage any other policy on the Maghreb was its inability to believe in the creation of a Saharan State and nation, something which was indispensable to the unity and stability of the Maghreb.

44. It was in 1966 that the General Assembly had adopted a resolution appealing to the Government of Spain, as the administering Power, to take immediately all the necessary steps to liberate the territory of the Spanish Sahara and proposing to set up the modalities for a referendum under United Nations auspices to enable the indigenous population of the territory freely to exercise its right to self-determination. Thus, the outlines of the problem in Western Sahara and of its solution had already been traced in 1966: it was a decolonization problem which must be settled through the holding of a referendum on self-determination. Although 34 years had passed since the adoption of the resolution, the international community had still not succeeded in organizing a referendum. Questions accordingly arose about the actual implementation of the settlement plan which had elicited such fervent hopes.

45. It was regrettable that the succession to the Moroccan throne had not been accompanied by changes in that country's position on Western Sahara. The Moroccan occupation continued, as did the repression of any other opinions or expressions of nationalist sentiment in the occupied territory. Both the Moroccan Government and the King himself continued to support the moroccanization of the occupied Saharan territory, in violation of General Assembly resolutions and the Houston agreements signed by the Government of Morocco and the Frente POLISARIO. Morocco's actions had elicited no indignation, not even surprise, except for the recent suggestion by the King of Spain that Mohamed VI should try to reach an understanding with the Frente POLISARIO. Morocco's position was hardening at the very moment when the painstaking work of voter identification carried out by the United Nations

Mission for the Referendum in Western Sahara (MINURSO) was coming to an end, as demonstrated by the publication in January 1999 of a preliminary list of Saharan voters. The publication of the list had provoked an unacceptable reaction against MINURSO and the United Nations from the Moroccan authorities and had served as a pretext for the submission of a massive number of appeals so as to force the United Nations to hold yet another round of identification. Paradoxically, it was precisely that important breakthrough by the United Nations - the preparation of a list of voters - that had provoked a negative reaction from one of the parties that now threatened to derail the referendum. The danger of renewed military actions between the parties was exacerbated under such circumstances: hence the special importance of the new round of talks in Berlin which should revive the momentum given to the process by the Houston agreements in 1997. It was essential that the results of the identification process already carried out be accepted and acknowledged by all parties as the undisputed basis for the formation of a Saharan electorate, an essential precondition for the holding of free and fair elections.

46. Ms. Villemont withdrew.

47. At the invitation of the Chairman, Ms. Kessler (European Parliament) took a place at the petitioners' table.

48. Ms. KESSLER (European Parliament) said that at the most recent meeting of the interparliamentary group "Peace for the People of Western Sahara", members had expressed deep concern at Morocco's obstructionist approach to the peace process. The United Nations must ensure respect for international law and the holding of the referendum. In 1975, the International Court of Justice had ruled that Morocco had no legal claim on the territory of Western Sahara, yet despite all Morocco's obvious violations of international law and United Nations decisions, no sanctions had ever been imposed upon it. The members of the Security Council and the members of the European Union could prevent a new war in the Western Sahara.

49. Morocco was working to strengthen its hold in the occupied territories through the installation of hundreds of thousands of Moroccan settlers and soldiers, making the Saharans a minority. Moroccans currently outnumbered Saharans by 7 to 1. The transfer of non-Saharan civilians to the occupied territory of the Western Sahara was contrary to article 49 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The human rights situation in the occupied territories was a matter of deep concern. As at 3 September 2000, 526 persons were said to have disappeared. Every month, reports were received of gross human rights violations, the arrest and torture of Saharan students and long-term imprisonment.

50. At its fifty-second session in Geneva, the Sub-Commission on the Promotion and Protection of Human Rights had drawn attention to the bloody events of September 1999, which showed that persecution of the inhabitants of Western Sahara was the work not only of the Moroccan security forces but also of groups of Moroccan settlers supported by armed militia. The refugee camps were almost totally dependent on international aid and the food situation was terrible. The disastrous supply situation was the cause of many diseases. The most vulnerable groups were children under 5, women who were of childbearing age or pregnant,

elderly people, schoolchildren and the ill. She called on the United Nations to ensure the implementation of the Charter and of the relevant General Assembly resolutions guaranteeing the Saharan people the right to self-determination.

51. Ms. Kessler withdrew.

52. At the invitation of the Chairman, Mr. Marrero (Federación de Instituciones Solidarias con el Pueblo Saharaui) took a place at the petitioners' table.

53. Mr. MARRERO (Federación de Instituciones Solidarias con el Pueblo Saharaui) said that all the resolutions adopted by the General Assembly since the end of the 1960s had reaffirmed the need for the decolonization of Western Sahara on the basis of respect for the free choice of the Saharan people in exercise of the right of self-determination and independence. The Saharan people had been prevented from exercising that right by the Spanish Government, which had facilitated the illegal occupation of Western Sahara by the Moroccan army and Mauritania. The armed conflict between the Frente POLISARIO and the Kingdom of Morocco that had lasted from 1975 to 1990 had not solved the problem. Negotiation and dialogue were the only solution, and in order to put a lasting end to the conflict, the Security Council had adopted resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991 in which, with the approval of the Kingdom of Morocco and the Frente POLISARIO, a referendum on self-determination was scheduled for January 1992 under the direct responsibility of the United Nations.

54. Eight years had gone by and not only had the problem not yet been solved, but there was also the danger of armed confrontation and the possibility that an explosive situation might develop in the region with unexpected consequences. Not even the appointment in 1997 of James Baker III as the Personal Envoy of the Secretary-General for settlement of the conflict in Western Sahara, which had led to the signing of the Houston agreements between the Frente POLISARIO and the Kingdom of Morocco, had made it possible to overcome the difficulties constantly being created by Morocco in order to avoid the holding of the referendum on self-determination and to scuttle the settlement plan.

55. Because of the patient efforts of Mr. Baker and MINURSO, however, one of the essential problems had been solved: the preparation of a list of voters. Despite the recent favourable changes, the Kingdom of Morocco did not wish to respect the United Nations agreements and the rules of international law by holding the referendum on self-determination. From the start of the whole process an extremely calculating strategy was being carried out in order to avoid the holding of the referendum on self-determination.

56. The absence of freedom, arbitrary arrests, torture and lack of civil rights in the occupied territories created an atmosphere of fear and terror like the one in East Timor which had swelled into a bloodbath. The United Nations was at a crossroads: either it adopted the political and economic measures necessary to convince the Moroccan bureaucracy to carry out the settlement plan, or it acknowledged its failure, with the consequent loss of trust on the part of the international community and the obvious danger of a return to armed confrontation. There was no doubt that the only stable and lasting solution that would strengthen the situation in the region and peace was to make possible

the exercise of the right to self-determination by the Saharan people through the holding of a referendum with all democratic guarantees and the presence of observers.

57. Mr. Marrero withdrew.

58. At the invitation of the Chairman, Mr. Ruf (Medico International) took a place at the petitioners' table.

59. Mr. RUF (Medico International) said that since 1965, the General Assembly had appealed annually to Spain to conform to resolution 1514 (XV) and to organize a referendum on the political future of its colony. Confronted with Moroccan claims over the territory, the United Nations had asked the International Court of Justice for an advisory opinion. On 15 October 1975, the ICJ had refuted the Moroccan claims. Despite that clarification, on 14 November 1975 Spain had concluded a tripartite agreement with Morocco and Mauritania in which it had transferred sovereignty over the territory to those two States. The two countries invaded the territory and annexed it. In 1978, when Mauritania withdrew its troops and concluded a peace treaty with the Democratic Arab Republic of the Sahara, Morocco invaded the territory and annexed the formerly Mauritanian part, in clear violation of international law. In resolution 34/37, the General Assembly had denounced the "extension" of Moroccan occupation.

60. Only in 1991, however, had the Security Council adopted its resolution 690 (1991) containing a detailed programme for the organization of a free and fair referendum and the deployment of MINURSO. Since then, the problem of identification of persons entitled to vote had been blocking the peace process because Morocco had tried again and again to introduce new groups of voters. In September 1997 it had seemed that a basic agreement had been reached on the basis of negotiations mediated by James Baker III, the Personal Envoy of the Secretary-General. But according to the report of the Secretary-General dated 31 May 2000 (S/2000/131), by late 1999 Morocco had submitted some 139,000 appeals of the findings of the Identification Commission. The decisive element in that document and in the most recent report by the Secretary-General (S/2000/683) was the suggestion that the two parties should negotiate a political solution to the conflict.

61. Should the right to self-determination of a people, one of the basic elements of the Charter of the United Nations and of international law, be made dependent on the decisions of two parties on which no freely expressed mandate from the people conferred legitimacy? Did the procedure envisaged by the Security Council mean that the United Nations was abandoning the very substance of the General Assembly's crucial resolution 1514 (XV), which granted to the formerly colonized peoples the right to self-determination? Could it be that the United Nations which, together with the Organization of African Unity (OAU), had borne responsibility for the conflict for a quarter of a century, was ducking that very responsibility? Such action by the United Nations was not only a blow to the principles of international law but also a dangerous blow to the Organization itself, in that it ceded to third parties a matter of the highest importance which threatened international peace and security. Did that

mean that henceforth such matters would in a sense be "privatized", handed over to the parties to the conflict themselves?

62. It seemed unbelievable, but the Secretary-General had rightly pointed to the lack of an implementation plan for Security Council resolution 690 (1991). That could not, however, be a reason to abandon the peace plan and its main objective, the holding of a free and fair referendum. The events in East Timor emphatically underlined the need for such a plan in order to make the decisions of the United Nations effective - and credible.

63. What would be the political consequences of the evasion by the United Nations of its responsibility for international peace and security? What would be the fate of the 155,000 refugees in the Tindouf camps? The risk of resumption of hostilities was high and the consequences for peace and stability in the region were unpredictable. It was hard to believe that the United Nations could seek the restoration of anarchy in international relations. In the case of Western Sahara, the credibility of the Organization was at stake.

64. Mr. Ruf withdrew.

65. At the invitation of the Chairman, Ms. Ebbi (Comité para la Reagrupación de Familias Saharauis) took a place at the petitioners' table.

66. Ms. EBBI (Comité para la Reagrupación de Familias Saharauis) said she wished to denounce the terrorist group headed by Mohamed Abdelaziz which proclaimed itself to be the legitimate representative of the Saharan people. That was far from true. The Saharans were fighting for peace and stability, democracy, respect for human rights, progress and well-being, while entirely different objectives were pursued by the Frente POLISARIO, whose actions over a quarter of a century had caused numerous atrocities, disappearances, imprisonment and instances of ill-treatment and torture. Since 1988, many Saharans had decided to dissociate themselves from that organization and to return to the Kingdom of Morocco. Other inhabitants of the territory were scattered throughout other countries. Spain had taken in hundreds of Saharans who had left the territory. Saharans had set up associations and non-governmental organizations, had announced, in all the competent international bodies, their struggle for freedom of expression and human rights and had declared that the Frente POLISARIO did not express the views of the majority of the Saharan population. Families now living in the desert were enduring poverty and lacked the means of subsistence. All the humanitarian aid garnered by the non-governmental organizations was diverted for the personal gain of Mr. Abdelaziz. His supporters mocked the peace plan whose elaboration had cost so much effort and were denying many Saharans the legitimate right to vote in the referendum on self-determination.

67. She appealed to all humanitarian organizations to monitor the aid they gave so that it could be used by its intended recipients - women, children, elderly people and the entire civilian population living in the Tindouf camps. She likewise appealed to the international organizations and the Fourth Committee to use all their influence and power to avert the suffering of those defenceless persons, to implement the United Nations peace plan and to hold the referendum

on self-determination in Western Sahara as soon as possible with the participation of the entire population.

68. Ms. Ebbi withdrew.

69. At the invitation of the Chairman, Mr. Alvarez (Counsellor of the Presidency of the Canary Islands Government) took a place at the petitioners' table.

70. Mr. ALVAREZ (Counsellor of the Presidency of the Canary Islands Government) said the Canary Islands formed an archipelago of slightly more than 7,000 square kilometres off the north-west coast of Africa and had had a flourishing relationship with Western Sahara since the time when both territories had been part of Spain. Once Western Sahara had ended its dependence on Spain, the Canary Islands had suffered the consequences of the conflict between the Frente POLISARIO and Morocco. Thousands of Saharans had ended up as refugees in Tindouf.

71. The Saharan people had formed its own government in exile and demanded the return of the territory that had formerly been a Spanish possession. Morocco, on the other hand, argued that the territory of the Sahara was part of its Kingdom. The only viable outcome had been determined by the United Nations long before the outbreak of hostilities: the holding of a referendum on self-determination that the Spanish Government had never been able to carry out.

72. The conflict in the Sahara, if not resolved, would create an element of instability throughout the entire Maghreb, especially in north-west Africa. That zone was the borderline between two cultures, Western and Islamic, whose historical relations had been marked by centuries of confrontation but also by understanding, respect and spiritual affinity. For that reason, it was very important to achieve stability in the region, since open conflict would have unpredictable consequences. Ten years ago, a peace plan had finally been proposed by the then-Secretary-General of the United Nations, Mr. Perez de Cuéllar. That plan had made it possible to send to the Sahara a special mission (MINURSO) which was still operational and was entrusted with drawing up the list of voters in the referendum that had long ago been proposed as the solution to the conflict. The plan's implementation had suffered several delays, however, and today the list of voters had still not been completed, making it impossible to carry out the referendum. The ceasefire was holding, but everything possible must be done to prevent the resumption of hostilities, and that could be guaranteed only by carrying the peace plan through to its conclusion with a view to holding the referendum and applying its results.

73. After the death of King Hassan II, his successor, Mohamed VI, had given signs of his willingness to institute major social, economic and political changes in his country. It was evident that such an enterprise required the support of the international community, and especially of neighbouring countries. Spain had already manifested its support for the new King of Morocco, and the Canary Islands had announced its desire to contribute in the new era in northern Africa. The Government of the Canary Islands was engaging in dialogue, not only with the President of the Democratic Arab Republic of the Sahara but also with the Kingdom of Morocco, because their peoples had always

been bound by ties of friendship and cooperation which the Canary Islands was seeking to maintain, indeed to deepen. The position of the Canary Islands was unequivocal and clear: support for the United Nations peace plan was the only viable option for achieving peace and stability in the Maghreb and throughout north-west Africa.

74. The attention of the international community, as represented by the United Nations, should be drawn to the need to intensify efforts to accelerate progress towards agreement on the list of voters, so that a dialogue and direct conversations between the parties could be re-opened. It would be desirable for Mr. Baker to lead a delegation to such talks, but if that was not possible, the United Nations should designate another leading figure so that progress could be made towards the solution of the conflict. The Government of the Canary Islands reiterated its position, stated in other forums, that because of its physical and spiritual proximity to the parties to the conflict, it could organize the talks in its territory. The impulse, however, had to come from the United Nations and be based on an understanding between the parties.

75. Mr. Alvarez withdrew.

76. At the invitation of the Chairman, Mr. Quintero (Parliament of the Canary Islands) took a place at the petitioners' table.

77. Mr. QUINTERO (Parliament of the Canary Islands) said that because of its geographical position and historical ties, the Canary Islands was following with deep concern the latest events in the conflict between Morocco and the Republic of the Sahara. Canary Islanders believed that the conflict could be resolved only on the basis of the solution proposed by the United Nations: decolonization through the holding of a referendum on self-determination. If that task was not fulfilled, owing to the obstinacy or intransigence of one of the parties to the dispute, there was a danger that war might break out yet again, inflicting suffering on millions of victims of intolerance and violence. It was possible that the irresponsibility shown by Spain in the past, which had been transformed into a guilt complex, had incited King Juan Carlos to appeal to the two parties to spare no efforts or energy in resolving contentious issues, particularly the dispute over Western Sahara. The fact that not all leaders desired the peaceful solution that would ensue from the holding of a referendum on self-determination for the Saharan people was demonstrated by the attempts by the Moroccan mass media to stifle the words of the Spanish monarch. The explanations offered by the Foreign Minister of Morocco, Mr. Benaissa, in an attempt to inculpate the directors of the Rabat mass media, unequivocally showed that there was no good will or desire on the Moroccan side to resolve the long and painful conflict.

78. Mr. Quintero withdrew.

The meeting rose at 1.10 p.m.